

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MANJINDER SINGH BEESLA,

Plaintiff,

v.

PIERCE COUNTY SHERIFF'S
DEPARTMENT,

Defendant.

CASE NO. 3:21-cv-05619-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING PLAINTIFF'S
COMPLAINT

On August 25, 2021, Plaintiff, proceeding pro se, filed a civil rights action filed pursuant to 42 U.S.C. § 1983¹ alleging that the Pierce County Sheriff's Department failed to protect him from harassment at his home and workplace by not responding to several 911 calls. (Dkt. No. 1-1 at 4-6.)

¹ Plaintiff filed his complaint alleging violations of 28 U.S.C. § 1346. (Dkt. No. 1-1 at 3.) Because 28 U.S.C. § 1346 pertains to lawsuits against the United States, it would not apply to the Pierce County Sheriff's Department. Accordingly, the Court construed Plaintiff's complaint as one filed under 42 U.S.C. § 1983. (Dkt. No. 6 at 1.)

1 On October 19, 2021, this Court issued an order directing Plaintiff to show cause why
2 this action should not be dismissed after concluding that Plaintiff had not identified any viable
3 cause of action in his complaint. (Dkt. No. 6.) The Court explained that Plaintiff failed to allege
4 facts upon which any individual Defendant was liable, and did not allege facts that would
5 plausibly establish causation between the acts or omissions of the Defendant and a deprivation of
6 Plaintiff's rights. (*Id.* at 4-5.) The Court further explained that Plaintiff had failed to allege a
7 cause of action against the Pierce County Sherriff's Department. (*Id.*) Plaintiff did not respond
8 to the Court's order to show cause.

9 On December 8, 2021, United States Magistrate Judge Theresa Fricke, finding that
10 Plaintiff had not responded to the Order to Show Cause, issued a report and recommendation
11 ("R&R") recommending that Plaintiff's complaint and this action be dismissed without prejudice
12 for failure to prosecute. (Dkt. No. 7.) Plaintiff did not respond to the R&R.


13 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of the
14 Honorable Theresa Fricke, United States Magistrate Judge, any objections thereto, and the
15 remaining record, hereby finds and ORDERS as follows:

16 (1) The Report and Recommendation is ADOPTED;

17 (2) Plaintiff's complaint is DISMISSED without prejudice for failure to file an amended
18 complaint or otherwise respond to the order to show cause; and

19 (3) The Clerk shall close this case.

20 Dated this 27th day of December, 2021.

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22 _____
23 David G. Estudillo
24 United States District Judge